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UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/526,797	05/02/90	SMITH	89-62

BENTLEY, EXAMINER

STANLEY C. SPOONER  
NIXON & VANDERHYE  
2200 CLARENDON BLVD., 14TH FL.  
ARLINGTON, VA 22201

ART UNIT	PAPER NUMBER
2201	9

DATE MAILED: 10/18/91

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on Aug. 28, 1991 ☐ This action is made final.

A ~~statutory~~ statutory period for response to this action is set to expire SIX month(s), ~~from~~ from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                  |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-9 are pending in the application.  
Of the above, claims 7-9 are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1,4 are rejected.
5. ☒ Claims 2-3, 5-6 are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☒ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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INFORMATION

EXAMINER'S ACTION

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U 1. Applicant's election without traverse of a fuel control system for reheat burners claims 1-6, in Paper No. 8 is acknowledged.

U 2. The drawings are objected to because the rectangular boxes 12-14, 20-21, 35-36, 52, 77 and 102 do not have a descriptive labels as required by 37 C.F.R. 1.83(a). Correction is required.

Applicant is required to submit a proposed drawing correction in response to this Office action. However, correction of the noted defect can be deferred until the application is allowed by the examiner.

U 3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter

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and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

C 4. Claim 1 is rejected under 35 U.S.C. § 102 (b) as being clearly anticipated by Arnett.

C 5. Claim 4 is rejected under 35 U.S.C. 103 as being unpatentable over Arnett in view of Robson.

At the time the invention was made, Arnett disclosed or described a fuel control system as claimed with the difference that the subject matter of the relief valves was not set forth. However, at that time, Robson taught such valves 12a and the advantages thereof, column 7, lines 2-11. From such teachings, it would have been obvious to a person having ordinary skill in this art that Arnett may be provided with relief valves for the purpose of securing the advantages of Robson. Accordingly, the claimed subject matter as a whole is rejected as obvious.

U 6. Claims 2-3 and 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

U 7. Claims 7-9 stand withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention. Election was made without traverse in Paper No. 8.

U 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams is pertinent for keeping his after burner manifold full when not operating.

U 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to

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Examiner Bentley whose telephone number is (703) 308-0499.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0511.

Bentley/10-09-91

*Stephen C. Bentley*  
STEPHEN C. BENTLEY  
EXAMINER  
GROUP ART UNIT 221

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